

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLICATION NO. 10/665,017
ATTORNEY DOCKET NO. Q77549

REMARKS

Applicant requests that the Patent Office acknowledge Applicant's claim to foreign priority, and for indicating that the certified copy of the priority document, French Patent Application No. 02 11 597 dated September 19, 2002, has been made of record in the file.

Applicant thanks the Patent Office for initialing the references listed on the PTO/SB/08 A & B form submitted with the Information Disclosure Statement filed on January 14, 2004 and returning an initialed copy of the PTO/SB/08 A & B form, thereby confirming that the listed references have been considered.

Claims 1-11 have been examined on their merits.

Applicant herein editorially amends claims 1-11. The amendments to claims 1-11 were made merely to more accurately claim the present invention, do not narrow the literal scope of the claims, and thus, do not implicate an estoppel in the application of the doctrine of equivalents. The amendments to claims 1-11 were not made for reasons of patentability.

The Patent Office objects to claims 2-6 and 8-10 as being dependent upon a rejected base claim. Applicant thanks the Patent Office for indicating that claims 2-6 and 8-10 would be allowed if rewritten in independent form. However, instead of rewriting claims 2-6 and 8-10 in independent form, Applicant respectfully traverses the prior art rejections for the reasons set forth below.

Claims 1-11 are all the claims presently pending in the application.

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1. Claims 1, 6, 7 and 11 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Schaffrin (U.S. Patent No. 5,235,266). Applicant traverses the § 102(b) rejection of claims 1, 6, 7 and 11 for at least the reasons discussed below.

To support a conclusion that a claimed invention lacks novelty under 35 U.S.C. § 102, a single source must teach all of the elements of a claim. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986). A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). A single source must disclose all of the claimed elements arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Thus, the cited reference must clearly and unequivocally disclose every element and limitation of the claimed invention.

Schaffrin fails to teach or suggest at least a calculation means that receives instantaneous measurements of points on a power supply current-voltage characteristic, and then determines an exponential function of the current-voltage characteristic on the basis of four points on the current-voltage characteristic, as well as a reference voltage, as recited in claim 1. Schaffrin discloses, *inter alia*, a control algorithm that operates a solar generator at a maximum power point that is determined through successive optimizations. *See, e.g.*, col. 2, line 53 to col. 3, line 6 of Schaffrin. The optimization is done in a search fashion with the value of a control signal being increased by a given amount w . This iterative process is different than the determination of an exponential function based on four points on a power supply current-voltage characteristic,

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as recited in claim 1. Schaffrin lacks any teaching or suggestion at least of the determination of an exponential function based upon measurements of points on a power supply current-voltage characteristic.

Based on the foregoing reasons, Applicant submits that Schaffrin fails to teach or suggest all of the claimed elements as arranged in claim 1. Therefore, under *Hybritech* and *Richardson*, Applicant submits that claim 1 allowable, and further submits that claim 6 is allowable as well, at least by virtue of its dependency from claim 1. Applicant respectfully requests that the Patent Office reconsider and withdraw the § 102(b) rejection of claims 1 and 6.

With respect to independent claim 7, Applicant submits that claim 7 is allowable for at least reasons analogous to those discussed above with respect to claim 1. Therefore, under *Hybritech* and *Richardson*, Applicant submits that claim 7 is allowable, and further submits that claim 11 is allowable as well, at least by virtue of their dependency from claim 16. Applicant respectfully requests that the Patent Office reconsider and withdraw the § 102(b) rejection of claims 7 and 11.

2. Claims 1 and 7 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kandatsu (U.S. Patent No. 5,268,832). Applicant traverses the § 102(b) rejection of claims 1 and 7 for at least the reasons discussed below.

Kandatsu fails to teach or suggest at least a calculation means that receives instantaneous measurements of points on a power supply current-voltage characteristic, and then determines an exponential function of the current-voltage characteristic on the basis of four points on the

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current-voltage characteristic, as well as a reference voltage, as recited in claim 1. Kandatsu discloses, *inter alia*, a control algorithm that operates a solar generator using a power control algorithm described at col. 5, line 45 to col. 6, line 34, and depicted graphically in Figure 6. The control process of Kandatsu is different than the determination of an exponential function based on four points on a power supply current-voltage characteristic, as recited in claim 1. Kandatsu lacks any teaching or suggestion at least of the determination of an exponential function based upon measurements of points on a power supply current-voltage characteristic.

Based on the foregoing reasons, Applicant submits that Kandatsu fails to teach or suggest all of the claimed elements as arranged in claim 1. Therefore, under *Hybritech* and *Richardson*, Applicant submits that claim 1 allowable, and respectfully requests that the Patent Office reconsider and withdraw the § 102(b) rejection of claim 1.

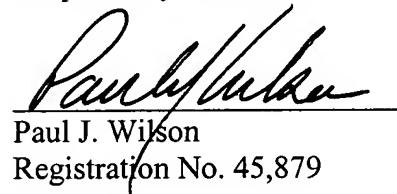
With respect to independent claim 7, Applicant submits that claim 7 is allowable for at least reasons analogous to those discussed above with respect to claim 1. Therefore, under *Hybritech* and *Richardson*, Applicant submits that claim 7 is allowable, and respectfully requests that the Patent Office reconsider and withdraw the § 102(b) rejection of claim 7.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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